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JUN 05 2007

OFFICE OF PETITIONS

In re Application of
Youn Ho Nam et al.
Application No. 10/687,901
Filed: October 17, 2003
Attorney Docket No. **2080-3-181**

DECISION ON PETITION
UNDER § 1.183

This is a decision on the petition, filed May 23, 2007, under 37 CFR 1.47(b), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signature of an inventor as required by §§ 37 CFR 1.67 and 1.63.¹

The petition is **GRANTED**.

The joint inventors both, signed the original declaration for patent filed in this application, pursuant to § 1.63(d). However, a substitute declaration was required by the Final Office Action mailed February 23, 2007 to correct a defect.

Petitioners assert that joint inventor Youn Ho Nam refuses to execute the declaration. The evidence provided shows that the supplemental declaration was sent to Mr. Nam but that he has not to date returned an executed copy of the substitute declaration. Thus the evidence is found to be adequate to waive the requirement for inventor Nam's signature on the supplemental declaration.

The petition includes the last known addresss of the non-signing inventor and the petition fee in the amount of \$400.00 has been charged to deposit account no. 50-2290.

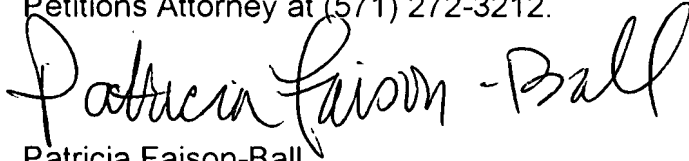
The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that

¹Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

the supplemental declaration be signed by joint inventor Nam is appropriate.

This matter is being referred to Technology Center 2191 for further examination as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions